

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

Illinois Central Railroad Company; the Benton  
Township, and the State of Illinois, Department of  
Transportation.

Stipulated Agreement regarding improving public  
safety at the crossings of the Company's track with  
public highways known as South Stuyvesant Street  
and Bennett Road located near Benton, Franklin  
County, Illinois, designated as crossings AAR/DOT  
293 723W and 293 724D, mileposts 90.80-GE and  
91.40-GE, respectively.

T02-0119

**SUPPLEMENTAL ORDER**

By the Commission:

On January 23, 2003, the Illinois Commerce Commission ("Commission") entered its original Order in the above captioned matter. The Illinois Central Railroad Company ("Company") was required and directed to install automatic flashing light signals and gates (AFLS&G) at the crossings of the Company's track with public highways known as South Stuyvesant Street and Bennett Road located near Benton, Franklin County, Illinois, designated as crossings AAR/DOT 293 723W and 293 724D, mileposts 90.80-GE and 91.40-GE, respectively. The original Order contained a division of cost among the parties and all work was to be completed on or before January 23, 2004.

On January 20, 2004, the Company filed its Supplemental Petition requesting that the Commission enter a Supplemental Order granting an Extension of Time to the Company, to complete the work required of it, to and including April 30, 2004. The Company stated that the improvements are being delayed due to the assignment of crews to finish improvements required by Order T02-0061, which was recently granted an Extension of Time, to and including February 29, 2004.

The Commission, having given due consideration to the Petition, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact, as set forth in the prefatory portion of this Supplemental Order, are supported by the Supplemental Petition and are hereby adopted as findings of fact;
- (3) The Company's request for an Extension of Time, to and including April 30, 2004, is fair and reasonable and should be granted;
- (4) Public Act 93-0604 (effective November 21, 2003), which amends 18c-7401 (Safety Requirements for Track, Facilities, and Equipment) of the Illinois Commercial Transportation Law, requires installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals or automatic flashing light signals and gates at public highway-rail grade crossings. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.
- (5) 625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects all parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises that any failure to comply may result in the assessment of such sanctions.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Illinois Central Railroad's request be, and it is hereby, granted an extension of time to complete the work required, to and including April 30, 2004.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order dated June 19, 2002, shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that the Company shall, within 30 days from the date of this Order, install temporary STOP signs at the grade crossing. The temporary STOP signs shall remain in place until the automatic warning devices authorized for installation by this Order are installed and operational. The Company shall be responsible for the cost of the installation and subsequent maintenance of the required temporary STOP signs.

IT IS FURTHER ORDERED that the Company shall furnish a written statement with the Director of Processing and Information, of the Commission's Transportation Bureau, indicating that the temporary STOP signs have been installed at the grade crossing.

IT IS FURTHER ORDERED THAT any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

IT IS FURTHER ORDERED THAT any person requesting a extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

IT IS FURTHER ORDERED THAT requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.

IT IS FURTHER ORDERED THAT the Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Orders and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

By Order of the Commission this 19th day of February, 2004.



Chairman

JUDGE
SECTION CHIEF <i>MES</i>
<i>[Signature]</i> ORDERS SUPERVISOR